

The principle is not altered by reversing the case. By the treaty of September 1783, the king of Great Britain, not only acknowledges the independence sovereignty and freedom of the States, "but for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same and every part thereof." This treaty confers no original right upon the United States, to the territory either collectively or individually—it is a relinquishment, a surrender of claim, not a grant, a form necessary to complete the letter of conquest; "lands &c. says Vattel (886) become the property of the enemy, who makes himself master of them. but it is only by the treaty of peace, or the entire submission and extinction of the State to which they "belonged" that the acquisition is complete and the property therein, stable and perfect."

We contend then that at this time, all the unsettled, vacant lands, within the boundaries prescribed in the treaty cited, became the common property of the States that had won them by the sword, unrestrained, by grants and charters that could not outlive the authority in which they originated.

Such is our opinion now—such was the thought of Maryland, when in the mist and doubt of the great struggle—while the destinies of the State were dependent upon the uncertain issue of a war between veteran force and organized discipline on the one hand, and untrained masses on the other—still asserted this truth.

Though she sheathed not the sword in the field, nor remitted of her efforts in the cause—she contended in the council against the rapacious spirit that then asserted a contingent exclusive right to the yet unsettled domain. This is matter of history, and your committee would deem that they had discharged their duty in merely adverting to it as a link in the chain of reasons leading to the conclusion they report—but that the extraordinary position of the executive of the State renders the inference possible, that these facts may not be of such general knowledge as they had conceived. By reference to the Senate journals of Congress from 1775 to 1788, it will be seen that by a portion of the ninth article of the proposed confederation, "no state should be deprived of territory for the benefit of the United States." On the 21st May 1779, the delegates from Maryland were instructed to refuse to sign the articles of confederation, unless the common property "in that country unsettled at the commencement of this war, claimed by the British